HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No. 379 of 2006

Between:

Osmania University, represented byits
Registrar, Hyderabad.

…Appellant

AND

Jagruti Degree College,
Narayanaguda, Hyderabad.

…Respondent

Counsel for the Appellant: Sri Deepak Bhattacharjee

Counsel for the Respondent: Sri D.V.Seetharama Murthy

Dated: April 10, 2006

JUDGMENT:

Per G.S.Singhvi, C.J.

This appeal is directed against order dated February 23, 2006 passed by the learned single Judge, whereby he disposed of W.V.M.P.No.119 of 2006 in W.P.M.P.No.757 of 2006 (in Writ Petition No. 628 of 2006) by recording the following order:

> "The petitioner is a recognized Degree College affiliated to the respondent. The Standing Committee of Academic Senate in its meeting held on 28-12-2004 and 31-5-2005 resolved to disaffiliate two courses, namely B.Sc. (Bio-Tech., Bio-Chem., Chem., and B.Sc., (Bio-Tech, Micro biology Chemistry) in view of the alleged excess admissions made by the college. The disaffiliation was to come into force from the academic year 2005-2006. The same was assailed before this Court inter alia on the ground that the Standing Committee of Academic Senate has no powers to pass orders of disaffiliation. This court allowed the Writ petition being W.P.No.23485 of 2005 giving liberty to the respondent to place the matter before Executive Council, which is admittedly the competent authority under Section 19 (16) of the A.P. Universities Act, 1991. The matter was placed before Executive Council on 14-12-2005 and thereafter the Registrar of the University and Secretary of the Executive Council issued the impugned order on 7-1-2006, which is to be same effect as that of earlier proceedings dated 6-6-2005.
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> It has been specifically pointed out by the learned counsel for the petitioner that Executive Council only confirmed the earlier decision and did not independently take any decision with reference to the facts placed before it. A perusal of the impugned order would prima

facie support the contention and in such background when the admissions are already over, if the disaffiliation is allowed to continue, there will be any amount of confusion and hardship to the students and therefore this is a fit case where this Court should suspend the impugned order. It is, however, brought to the notice of this Court by the learned counsel for the respondent-University that pursuant to interim order of this Court all the students appeared before the Director, Academic Audit Cell, and those students were allotted other affiliated colleges. In view of the same, there shall be status quo as on today.

Post the Writ Petition for final hearing on 10-4-2006"

At the hearing, we pointed out to the learned counsel for the appellant that the main case has been ordered to be fixed for final hearing on 10-4-2006 and, therefore, it will be appropriate for him to make a mention to the learned single Judge to take up the matter for out of turn hearing. Upon this, learned counsel submitted that the appeal may be disposed of as infructuous.

In view of the statement of the learned counsel, the appeal is disposed of as infructuous.

As a sequel to the disposal of the writ appeal as infructuous, W.A.M.P.No. 810 of 2006 is also disposed of as infructuous.

G.S.SINGHVI, CJ

P.LAKSHMANA REDDY, J.

GRR